

Resolution No. ZSR-21-30 of the Suffolk County Planning Commission  
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on October 22, 2021 at the offices of the Suffolk County Planning Commission with respect to the application of “**Town of Brookhaven – Introductory Local Law #21 of 2021**” located in the Town of Brookhaven
- WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **December 1, 2021**, now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves the staff report, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approval** of the proposed Code update with the following **comments**:

1. Due to the community’s classification as an Environmental Justice area and several planning efforts that have been undertaken with limited implementation as a result, it is strongly advised that any development project moving forward within the overlay zone conduct robust community engagement efforts, beginning early in the project’s life cycle and happening frequently throughout the planning and development phases to ensure several opportunities for community input and potential alignment, to the extent feasible, with the community’s vision.
2. The Town should consider revising its overlay districts use restrictions with regard to the underlying zoning district(s). To the extent that any underlying uses may be incompatible with the stated goals and intents of this plan, they should be limited as appropriate and regulated as non-conforming uses.
3. The Town should consider supplementing the proposed overlays with specific design and/or architectural design standards describing and illustrating the form of the intended developments to provide clear guidance to applicants. Design guidelines could further define and illustrate housing typologies such as “mansion flats” that are not clearly defined by code. Applicants should be encouraged to review the [Suffolk County Residential Design Guidelines](#).
4. The Town should consider forms of “missing middle housing” such as duplex, triplex, fourplex, or townhouse units that may be appropriate as alternative affordable housing typologies to single-family detached units and multifamily buildings.
5. The Town should consider providing further examples, clarification, definitions, and/or benchmarks for any terms that could be subject to varying interpretation, especially with regard to zoning incentives.

6. To the extent that it would facilitate the desired redevelopment, the Town should consider making overlays continuous areas with few gaps or outparcels. The Town should further consider making the boundaries of the overlay districts coterminous with the underlying districts, or else further clarify how regulations might apply to split-zoned parcels that fall outside the overlay boundaries.
7. As sewage treatment will need to be provided for any developments in the overlay districts, the Town may want to look comprehensively at the amount and siting of sewage treatment facilities compared to public wastewater connections, especially in a potential environmental justice area, that would be necessary under the full buildout scenario, and provide further regulation or guidance on the siting of these facilities.
8. The Town should consider encouraging or incentivizing parking stall demand reduction strategies to help reduce the number of parking stall required in new developments. Applicants should review the Commissions Model Code on Parking Stall Demand Reduction or be required to explore additional techniques to reduce parking demand including but not limited to the unbundling of parking cost from rent, parking cash-out programs, promotion of car sharing and ridesharing, etc. The SCPC Model Code for Parking Stall Demand Reduction includes twenty three concepts for the reduction of parking stall demand. The Suffolk County Planning Commission has produced a draft “model code” and report on such PSDR techniques and has recommended that no building or structure should be constructed, used or occupied without the adoption of Parking Stall Demand Reduction (PSDR) techniques conditioned, through covenants and restrictions, on land use and development approvals issued by municipal planning boards. For convenience a link to the model code is provided below:  
<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PSDR%20Final%20Draft%20103019.pdf>
9. Affordable units within market-rate buildings should have consistent design and consistent access to those of the rest of the development. (i.e. no separate entrances)
10. Applicants within the proposed overlay districts should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
11. Applicants within the proposed overlay districts should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to public safety and universal design and incorporate where practical, applicable elements contained therein.
12. Applicants within the proposed overlay districts should be encouraged to review the Suffolk County Planning Commission Guidebook particularly related to energy efficiency.
13. Applicants within the proposed overlay districts should be encouraged to review the Suffolk County Planning Commission Guidebook particularly related to Climate Change effecting greenhouse gas reduction and renewable energy practices.”

Town of Brookhaven Proposed Local Law #21 of 2021  
Town of Brookhaven

**COMMISSION ACTIONS OF APPROVED RESOLUTION**

	<b>AYE</b>	<b>NAY</b>	<b>RECUSED</b>	<b>ABSENT</b>
ANDERSON, RODNEY – At Large				X
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip	X			
CHU, SAMUEL – Town of Babylon				X
CONDZELLA, JOHN – Town of Riverhead	X			
DOTY, DAVID – Town of East Hampton	X			
ESPOSITO, ADRIENNE - Villages over 5,000	X			
FINN, JOHN - Town of Smithtown	X			
FLYNN, DANIEL – Town of Southampton	X			
GALLE, ELIZABETH - Town of Shelter Island	X			
GERSHOWITZ, KEVIN G.- At Large				X
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven	X			
KITT, ERROL – At Large	X			
MCCARHTY, THOMAS - Town of Southold	X			

Motion: Commissioner Kelly

Present: 12

Seconded: Commissioner Chartrand

Absent: 3

Voted: 12

Absent: 3

DECISION: Approved